

DECLARATION OF JONG-HO LEE

I, Jong-Ho Lee, declare as follows:

1. I currently reside in Korea and am a professor at Seoul National University. I am the sole inventor of U.S. Patent No. 6,885,055 (the “’055 Patent”) and its foreign counterparts. I am serving as a consultant for KIPB LLC, formerly known as KAIST IP US LLC (“KAIST IP US”) in this matter.

2. I understand that Defendants have made the following allegations:

Defendants recently discovered information strongly suggesting that Prof. Lee, the sole named inventor of the asserted patent, is withholding numerous highly relevant documents that are damaging to Plaintiff. These documents include, on information and belief, a citation issued to Prof. Lee and/or his representatives by a Korean government entity challenging his rights to the ’055 Patent, and charging him of violating a Korean export law by licensing the asserted patent to a U.S. entity without permission from the appropriate Korean authorities who funded him.

Dkt. No. 174, at 1.

Defendants recently became aware in their investigation that, upon information and belief, a Korean commercialization entity (*e.g.*, Commercialization Promotion Agency for R&D Outcome or similar entity) issued a citation, warning or other notice to Prof. Lee and/or his representatives regarding his improper licensing of the rights under the ’055 patent and addressing Prof. Lee’s alleged ownership of the rights in the claimed invention, in light of the funding he received from the government and/or other sources.

Dkt. No. 174-1, at ¶ 4.

3. As I have previously stated and as I told Mr. Allan Soobert in response to his questions at my deposition in Korea, I have searched for the documents that Defendants have requested. Whatever I found, I turned over my attorneys. I cannot produce what I do not have. From January 13-15, 2018, I met with Mr. Andrew Choung and we reviewed again the list of document categories requested by Defendants. I provided to Mr. Choung any documents I found.

4. I have never received a “citation” or “notice” from a “Korean government entity” or “Commercialization Promotion Agency for R&D Outcome” that was “challenging” my rights

to the '055 Patent. I have never received a "citation" or "notice" from a "Korean government entity" or "Commercialization Promotion Agency for R&D Outcome" that was "charging" me of violating a "Korean export law." I have never been contacted by a "Korean government entity" or "Commercialization Promotion Agency for R&D Outcome" regarding a citation, challenge or charge related to the '055 Patent, or any kind of legal violation. Although I am not certain what Defendants means by "his representatives," I have never even heard of any of the foregoing from another person prior to this allegation by the Defendants.

5. The "Korean government" knows about my research work, invention and patents. I have received awards and recognitions from the Korean government for my work. For example, I was awarded the National Medal, Korea's highest honor, in 2015. I was also recognized by the Deputy Premier and Ministry of Science and Technology in 2006. It is absurd to think that the Korean government would have given an award to a person accused of violating law.

6. The universities that I have worked at or have been affiliated with, such as KAIST, Wonkwang University, Kyungpook National University or Seoul National University, are likely to be aware of my research and patents, including the '055 Patent, and this current lawsuit due to either direct knowledge or having learned about them in the news. To the best of my knowledge, none of them have ever made any claims against me for my invention, patents or related activities.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Date: Feb 15 2018



Jong-Ho Lee